

▶ **FILE #:** 9-B-12-UR

AGENDA ITEM #: 42

AGENDA DATE: 9/13/2012

▶ **APPLICANT:** **SOUTHERN DESIGN LANDSCAPES, INC.**

OWNER(S): Southern Design Landscapes, Inc.

TAX ID NUMBER: 38 N A 00305

JURISDICTION: County Commission District 7

▶ **LOCATION:** **North side of Neal Dr., east of Neal Chase Way.**

▶ **APPX. SIZE OF TRACT:** **2.23 acres**

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Neal Dr., a local street with a 22' pavement width within a 40' - 50' right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** **PC (Planned Commercial)**

▶ **EXISTING LAND USE:** **Existing landscape contractor business**

▶ **PROPOSED USE:** **Landscape contractor business - new building**

HISTORY OF ZONING: Property rezoned from RA (Low Density Residential) to PC (Planned Commercial) in 1997.

SURROUNDING LAND USE AND ZONING:
 North: Residence and vacant land / PR (Planned Residential)
 South: Knox County solid waste transfer site / RB (General Residential)
 East: Mixed businesses / CA (General Business) & PC (Planned Commercial)
 West: Mixed businesses / PC (Planned Commercial)

NEIGHBORHOOD CONTEXT: This site is located in an area of mixed commercial and warehouse uses with a few residences located to the north.

STAFF RECOMMENDATION:

▶ **APPROVE the development plan for a 4,500 sq. ft. office/warehouse building, subject to 7 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
3. All required parking to be paved per the requirements of the Knox County Zoning Ordinance.
4. Removal of the evergreen tree(s) along the western property line closest to the public right-of-way of Neal Dr., that currently reduces the sight distance to the east along Neal Dr. from the access drive for the adjacent business.
5. Installing landscaping as shown on the development plan within six months of the issuance of an

occupancy permit for this project, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.

6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
7. Meeting all applicable requirements of the Knox County Fire Marshal's Office.

With the conditions noted, this request meets all criteria for a use on review in the PC zoning district.

COMMENTS:

The applicant is proposing to add a 4,500 sq. ft. office/warehouse building for the existing landscape contractor business located at this site. The proposed building will include office and shop space for the business and garage space for storage of equipment. The proposed plan has provided sufficient parking for the business.

The applicant will be removing some existing vegetation along the western property line that currently impacts the sight distance for vehicles exiting the business to the west.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. Public water and sewer utilities are available in the area to serve this site.
2. Neal Dr. has sufficient capacity to handle the traffic which will be generated by this development.
3. The proposal will have no impact on schools and minimal impact on adjacent properties. The existing business is a low impact use and will have minimal impact on adjacent properties.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposal meets all requirements of the PC zoning district as well as the general criteria for approval of a use-on-review.
2. The proposed office/warehouse building is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the commercial area where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas.

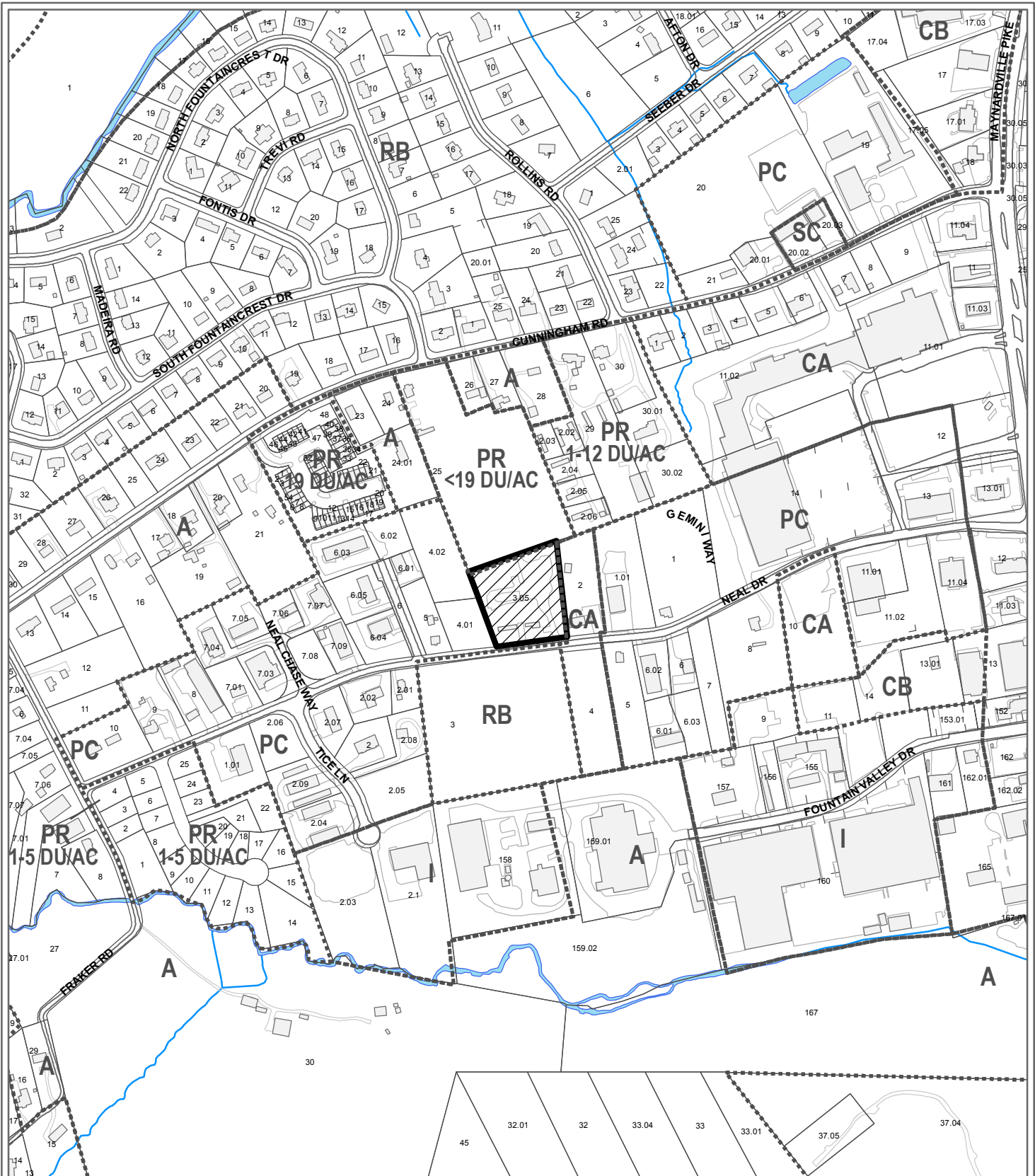
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North County Sector Plan proposes office uses for this site.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

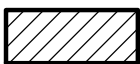
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**9-B-12-UR
USE ON REVIEW**



Landscape contractor business - new building in PC (Planned Commercial)

Petitioner: Southern Design Landscapes, Inc.

Map No: 38

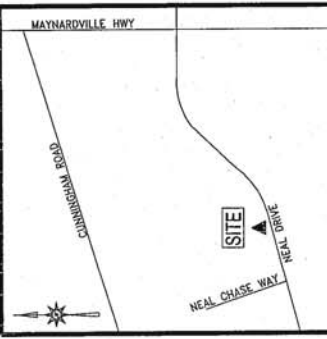
Jurisdiction: County



Original Print Date: 8/30/2012

Revised:

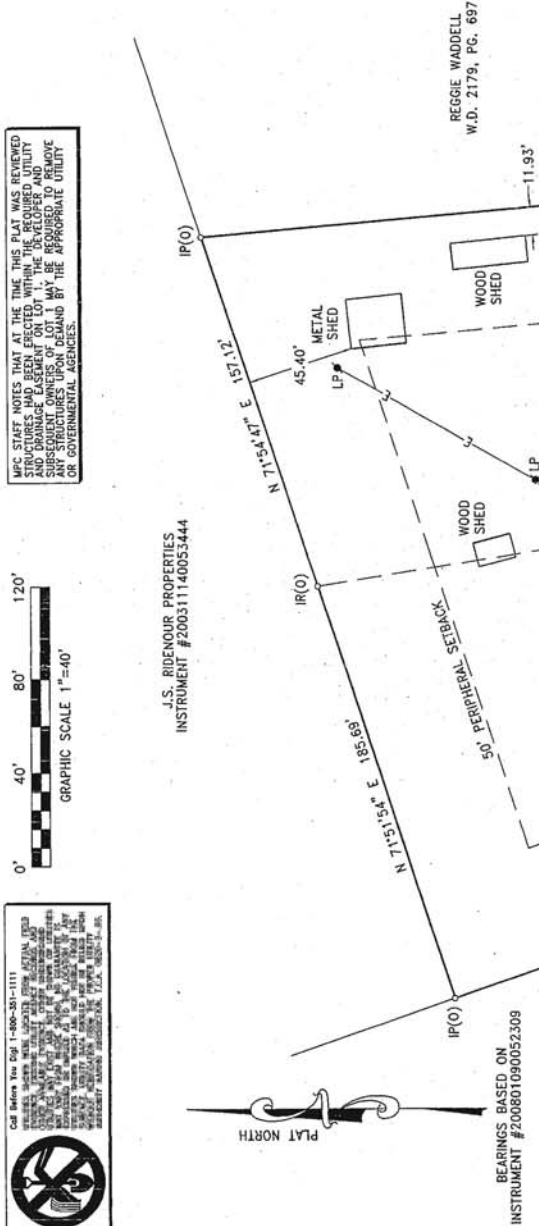
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



MPC STAFF NOTES THAT AT THE TIME THIS PLAT WAS REVIEWED STRUCCURES HAD BEEN ERECTED WITHIN THE PERMITTED UTILITY RIGHTS-OF-WAY. THE PERMITTED UTILITY RIGHTS-OF-WAY AND SUBSEQUENT OWNERS OF LOT 1 MAY BE REQUIRED TO REMOVE ANY STRUCTURES UPON DEMAND BY THE APPROPRIATE UTILITY OR GOVERNMENTAL AGENCIES.



Certification of Final Plat - Construction Considered
 I, Gary L. Roth, Jr., Surveyor, do hereby certify that I am a surveyor, licensed to do surveying under the laws of the State of Tennessee, and that I am duly qualified to perform the duties of a surveyor. I have personally supervised the execution of the survey shown on this plat, and I have caused to be recorded in the office of the Register of Deeds for the County of Knox, Tennessee, a true and correct copy of this plat. I further certify that all requirements of the Surveying Code of the State of Tennessee have been complied with, and that this plat is a true and correct copy of the original filed with the Register of Deeds for the County of Knox, Tennessee, on the 22 day of May, 2012. The indicated monuments were in place on the date of survey.



- NOTES:**
- 1) IRON RODS WITH CAPS SET AT ALL CORNERS NOT RECORDED UNLESS OTHER MONUMENTATION IS NOTED ON DRAWING.
 - 2) C/T TAX MAP 038N, GROUP A, PARCELS.
 - 3) DEED REFERENCE: DEED BOOK 2266, PAGE 723.
 - 4) SUBJECT PROPERTY IS ZONED "FC".
 - 5) PROPERTY SUBJECT TO EASEMENTS, RIGHT OF WAYS OR CLAIMS OF EASEMENTS OR RIGHT OF WAYS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE REPORT WAS FURNISHED TO SURVEYOR PRIOR TO SURVEY.
 - 6) NO TITLE OPINION IS EXPRESSED OR IMPLIED.
 - 7) THIS IS TO CERTIFY THAT I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP AND FOUND THE DESCRIBED LOT TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA.
 - 8) BUILDING SETBACK LINES AND EASEMENTS SHALL CONFORM TO ANY AND ALL CURRENT KNOX COUNTY ZONING STANDARDS.
 - 9) TOTAL ACREAGE = 2.23 ACRES (97168.29 SQ. FT.).
 - 10) UTILITY AND DRAINAGE EASEMENTS INSIDE ALL EXTERIOR BOUNDARY LINES AND ROAD RIGHT-OF-WAY LINES AND ALL INTERIOR LOT LINES.
 - 11) THE APPROVAL OF THIS PLAT DOES NOT INCREASE ANY ZONING NON-COMPLIANCE FOR THE EXISTING STRUCTURES OR THE STATUS OF THE EXISTING STRUCTURES. DOCUMENTATION AS TO THE LEGAL STATUS OF THE STRUCTURES OR VARIANCES FROM THE BOARD OF ZONING APPEALS MAY BE REQUIRED AT SOME TIME FOR PERMIT APPLICATIONS OR OTHER DEVELOPMENT APPROVALS.

LEGEND

WOOD
GRAVEL
CONCRETE
IRON ROD OLD
IRON ROD NEW
IRON PIPE OLD
POWER POLE
LIGHT POLE
WATER METER
CLEAN OUT
FIRE HYDRANT

LINE LEGEND

—	PROPERTY LINE
- - -	SANITARY SEWER LINE
- - -	ELECTRIC LINE

COUNTERSIGNED
 KNOX COUNTY PROPERTY ASSESSOR
 JUN 20 2012
 BY: PHIL BALLARD

ROTH LAND SURVEYING
 Gary L. Roth, Jr., RLS
 6718 Kern Road
 Knoxville, TN, 37918
 PH: (865) 689-8186
 FAX: (865) 687-3231

KOPP PROPERTY
 3621 AND 3625 NEAL DRIVE
 WITHOUT THE CORPORATE LIMITS OF THE CITY OF KNOXVILLE
 OWNERS: ERNOLD AND BELORES KOPP
 P.O. BOX 79275
 KNOXVILLE, TN 37938
 604-243-9003

PROJECT NO. 04-243
 SHEET NO. 1 OF 1
 URBAN B'Y
 DATE OF FIELD SURVEY: 10/06/04 (UPDATED 5/22/12)
 SCALE: 1" = 40'
 DATE: 5/23/12

FINAL PLAT:
 INSTRUMENT # 2012.0622.0072961

BEARINGS BASED ON
 INSTRUMENT #200801090052309
 LOT 2
 MCMAHAN PROPERTY
 INSTRUMENT #200801090052308

LOT 1
 97168.29 SQ. FT.
 2.23 ACRES

LOT 1
 MCMAHAN PROPERTY
 INSTRUMENT #200801090052308

NEAL DRIVE
 CENTERLINE OF RIGHT OF WAY

NEAL CHASE WAY
 TO PL
 OF NEAL CHASE WAY

NEAL DRIVE
 CENTERLINE OF RIGHT OF WAY

NEAL CHASE WAY
 TO PL
 OF NEAL CHASE WAY

